



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Klimko et al.

U.S. Serial Number: 10/808,061

Confirmation Number: 4186

Filed: March 24, 2004

Examiner: Fay, Z.

Group Art Unit: 1618

For: "Use of Proteasome Inhibitors to
Treat Dry Eye Disorders"

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date:

September 19, 2005

Date

Jeanne Burke
Jeanne Burke

TERMINAL DISCLAIMER AND FEE PURSUANT TO 37 CFR 1.321 (b) AND 1.20(d)

MS Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Commissioner is authorized to deduct \$130.00 from Deposit Account No. 501051. The Commissioner is authorized to deduct any underpayment to Deposit Account No. 501051. Two copies of this submission are enclosed.

Petitioner, Alcon Inc., a corporation of Switzerland, represents that it has reviewed the document recorded in the U.S. Patent and Trademark Office at Reel 015133, Frame 0369, and certifies that to the best of its knowledge and belief it is the Assignee of the entire right, title, and interest in and to U.S. Application Serial No. 10/808,061 entitled "Use of Proteasome Inhibitors to Treat Dry Eye Disorders", filed on March 24, 2004.

Petitioner further represents that it is the assignee of the entire right, title, and interest in and to United States Serial Number 10/150,191, now United States

Patent No. 6,740,674 B2 issued May 25, 2004, by virtue of the Assignment, recorded on May 17, 2002, on Reel 012914, Frame 0573.

Petitioner hereby disclaims the terminal part of any patent granted on U.S. Application Serial No. 10/808,061 which would extend beyond the expiration date of U.S. Patent No. 6,740,674 B2 which expires July 25, 2022.

Petitioner further agrees that any patent issuing on said U.S. Patent Application Serial No. 10/808,061 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted to said U.S. Patent No. 6,740,674 B2, this agreement to run with any patent granted on said U.S. Patent Application Serial No. 10/808,061 and to be binding upon the grantee, its successors and assigns.

Petitioner does not disclaim any terminal part of any patent granted on U.S. Serial No. 10/808,061 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,740,674 B2 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned Petitioner further declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,

Sept. 19, 2005
Date

Patrick M. Ryan
Patrick M. Ryan
Attorney of Record
for Alcon Laboratories, Inc.
Registration No. 36,263

Docket No. 2149A